

Message Text

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ORIGIN L-03

INFO OCT-01 EA-11 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 DPW-01 ACDA-19 OIC-04 AF-10 ARA-16

EUR-25 NEA-10 /185 R

DRAFTED BY L/NEA:SCNELSON:DLS

APPROVED BY L/NEA:SCNELSON

EA/ANZ:JCDORRANCE (SUBS)

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P R 201529Z MAR 74

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

INFO AMEMBASSY CANBERRA

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E.O. 11652: N/A

TAGS: ICRC, PARM, AS

SUBJ: GENEVA CONFERENCE ON LAW OF WAR

REFS: (A) CANBERRA 1526, (B) GENEVA 1794 (NOTAL)

1. IN MEETING AM MARCH 19 WITH MCKEOWN (COUNSELOR OF AUSTRALIAN EMBASSY), DEPTOFF FOLLOWED UP EMBASSY CANBERRA'S APPROACH (REF A) RE AUSTRALIAN POSITION ON WARS OF LIBERATION PROPOSAL. STRESSING THAT HE NO LONGER SURE WHERE ISSUE NOW STANDS AT GENEVA (SUBSEQUENTLY CLARIFIED BY REF B), DEPTOFF SAID WE WANTED BE CERTAIN GOA HAD THOROUGH UNDERSTANDING OF REASONS FOR OUR CONCERN.

2. AFTER REVIEWING WITH MCKEOWN RELEVANT DOCUMENTATION AND GILCHRIST MEMO (PARAS 4 THROUGH 9 REF A), DEPTOFF SAID THAT, WHILE WE RECOGNIZED THAT THERE WERE DIFFERENCES OF VIEW CONCERNING POLITICAL AND LEGAL STATUS WHICH SHOULD
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BE ACCORDED VARIOUS "LIBERATION MOVEMENTS", OUR GREATEST

CONCERN WAS WITH MANNER IN WHICH AUSTRALIAN-SUPPORTED PROPOSAL WOULD ACHIEVE THIS AND POTENTIALLY DELETERIOUS LONGER-TERM IMPACT OF THIS APPROACH ON EFFECTIVENESS OF BASIC HUMANITARIAN LEGAL PROTECTIONS IN ARMED CONFLICT. HE ADDED THAT US HOPED THAT BETTER HUMANITARIAN PROTECTIONS COULD BE PROVIDED FOR PARTICIPANTS IN CIVIL CONFLICT THROUGH INCLUSION OF EFFECTIVE PROTECTIONS IN PROTOCOL II ON NON-INTERNATIONAL CONFLICTS. MCKEOWN EXPRESSED VIEW THAT MOST GOVERNMENTS, INCLUDING GOA, CONSIDER IT APPROPRIATE AND DESIRABLE THAT FORCES SUCH AS THOSE ENGAGED IN COMBAT AGAINST PORTUGUESE IN AFRICA SHOULD BE ACCORDED FULL HUMANITARIAN PROTECTIONS AVAILABLE TO COMBATANTS IN STANDARD INTERNATIONAL CONFLICT. DEPTOFF SAID HE COULD UNDERSTAND POLITICAL LOGIC OF THIS VIEW BUT STRESSED THAT, QUITE APART FROM POLITICAL CONSIDERATIONS WHICH MIGHT BE INVOLVED, MOST SERIOUS PROBLEM WITH PROPOSAL SUPPORTED BY GOA WAS THAT IT EMPLOYED FUZZY, SUBJECTIVE CONCEPTS WHICH HAD EFFECT OF INSERTING ESSENTIALLY POLITICAL JUDGMENT AS TO "JUSTICE" OF A CAUSE INTO PROCESS OF APPLICATION OF HUMANITARIAN PROTECTIONS, THUS DEPARTING FROM CLEARLY-DEFINED OBJECTIVE CRITERIA.

3. MCKEOWN SEEMED RESPONSIVE TO LATTER POINT AND INDICATED HE WOULD MAKE A REPORT TO CANBERRA. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, WAR, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE055422
Document Source: CORE
Document Unique ID: 00
Drafter: SCNELSON:DLS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740058-1016
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740329/aaaabara.tel
Line Count: 85
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) CANBERRA 1526, (B) GENEVA 1794 (, NOTAL)
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2002 by boyleja>; APPROVED <02 JUL 2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GENEVA CONFERENCE ON LAW OF WAR
TAGS: PARM, AS, ICRC
To: GENEVA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005